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VIA ECF

Magistrate Judge Steven I. Locke
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: Caputi v. Topper Realty Corp., et al.
Civil Action No. 14-cv-02634 (JFB)(SIL)

Dear Magistrate Judge Locke:

This firm represents the Defendants in the above-referenced action. Defendants write to request that Your Honor strike Plaintiff's February 3, 2015 letter in opposition to Defendants' January 28, 2015 letter motion to compel because it is both untimely and exceeds the 3-page limitation set forth in your Honor's Individual Motion Practices. Specifically, Your Honor's Individual Rules require that "[a] response in opposition [to a letter motion] **not exceeding three pages in length**, exclusive of attachments, must be served and filed **within four days**." See Rule 3(A)(i) (emphasis added). Plaintiff did not seek leave of Court to file her letter late or to exceed the page limitation.

Indeed, Plaintiff's counsel was required to serve and file her opposition letter no later than February 2, 2015, yet she served it on February 3rd. See Local Civil Rule 6.4. Moreover, Plaintiff's counsel filed a five-page opposition letter that easily exceeds Your Honor's three-page limitation. Accordingly, Defendants request that Your Honor strike Plaintiff's opposition letter.

Should Your Honor consider Plaintiff's opposition letter, Defendants respectfully request an opportunity to submit a reply or to present oral argument on our motion because Plaintiff's counsel misinterprets Defendants' arguments in support of their motion, provides an inaccurate recitation of the facts of this case, and Plaintiff's counsel's interpretation of the cases submitted in support of Defendants' motion is entirely misplaced and without merit.

Thank you for consideration of our request.

Respectfully submitted,

LITTLER MENDELSON, P.C.

Lisa M. Griffith